

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to updates of administrative procedures and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 10, “Administrative Rules,” Chapter 11, “Waiver of Rules,” and Chapter 12, “Declaratory Orders,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 17A.7, 17A.9, 17A.9A and 307.12.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 17A.7, 17A.9 and 17A.9A.

#### *Purpose and Summary*

The proposed amendments to Chapters 10, 11 and 12 update the office name of the Department’s rules administrator and add email as an option for a person wanting to submit a petition for rule making, petition for waiver, or petition for declaratory order to the Department. The proposed amendments to Chapter 10 also modify language in subparagraph 10.2(2)“a”(2) to suggest that persons who have requested an oral presentation provide the Department with the general subject of the presentation.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 2, 2019. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

#### *Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

April 4, 2019  
10 a.m.

Department of Transportation  
Administration Building, First Floor South  
Conference Room  
800 Lincoln Way  
Ames, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 10.1(2) as follows:

**10.1(2) Address.** The mailing address of the department's rules administrator is: Rules Administrator, ~~Operations and Finance Division~~ Strategic Communications and Policy, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The email address of the rules administrator may be found on the department's website at [iowadot.gov/administrativerules](http://iowadot.gov/administrativerules).

ITEM 2. Amend subparagraph **10.2(2)“a”(2)** as follows:

(2) If an oral presentation is requested, the requester is encouraged to set forth the general content ~~subject~~ of the presentation ~~shall be indicated~~.

ITEM 3. Amend subrule 10.3(1), introductory paragraph, as follows:

**10.3(1)** The department shall accept and consider, from any person or agency, petitions for rule making when submitted to the department's rules administrator by mail or email and prepared in conformance with the following:

ITEM 4. Amend **761—Chapter 10**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 17A.1 to 17A.9, 17A.19, ~~and~~ 307.12 and ~~section 307A.2 as amended by 2015 Iowa Acts, House File 635, section 20.~~

ITEM 5. Amend subrule 11.5(3) as follows:

**11.5(3) Submission of petition.** A petition for waiver from the requirements of a rule shall be submitted to the rules administrator either by mail to Rules Administrator, ~~Operations and Finance Division~~ Strategic Communications and Policy, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at [iowadot.gov/administrativerules](http://iowadot.gov/administrativerules).

ITEM 6. Amend subrule 11.8(2) as follows:

**11.8(2)** The ~~operations and finance division~~ department's rules administrator shall, at a minimum, retain for five years records relating to waivers granted or denied under this chapter.

ITEM 7. Amend subrule 12.2(2) as follows:

**12.2(2)** The petition must be submitted to the ~~department's rules administrator at the following address:~~ either by mail to Rules Administrator, ~~Operations and Finance Division~~ Strategic Communications and Policy, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa

50010; or by email to the rules administrator's email address listed on the department's website at [iowadot.gov/administrativerules](http://iowadot.gov/administrativerules).